

DOA  
09-15-17

## UNITED STATES DISTRICT COURT

for the  
District of Arizona

United States of America )

v. )

Andres Medina-Rubio, ) Case No. 17-9407 MJ

a.k.a.: Jorge Rubio Medina, )

a.k.a.: Abel Anthony Gonzalez, )

(A074 391 542) )

Defendant

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of June 6, 2016, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Andres Medina-Rubio, an alien, was found in the United States of America, at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near El Paso, Texas, on or about October 27, 2015, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1). I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

**See Attached Statement of Probable Cause Incorporated By Reference Herein**

CEB

REVIEWED BY: Charles E. Bailey, P.S. for AUSA Ryan Powell

☒ Continued on the attached sheet.

Complainant's signature

Gilbert V. Longoria,  
Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: September 18, 2017

Judge's signature

City and state: Phoenix, ArizonaEileen S. Willett,  
United States Magistrate Judge

Printed name and title

### STATEMENT OF PROBABLE CAUSE

I, Gilbert V. Longoria, being duly sworn, hereby depose and state as follow:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On or about June 6, 2016, Andres Medina-Rubio was booked into the Maricopa County Jail (MCJ) intake facility by the Phoenix Police Department on local charges. While incarcerated at the MCJ, Medina-Rubio was examined by ICE Officer E. Geier who determined him to be a Mexican citizen, illegally present in the United States. On the same date, an immigration detainer was lodged with the county jail. On September 15, 2017, Medina-Rubio was released from the Arizona Department of Corrections and transported to the Phoenix ICE office for further investigation and processing. Medina-Rubio was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Andres Medina-Rubio to be a citizen of Mexico and a previously deported criminal alien. Medina-Rubio was removed from the United States to Mexico at or near El Paso, Texas, on or about October 27, 2015, pursuant to the reinstatement of an order of removal issued by an immigration judge.

There is no record of Medina-Rubio in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Medina-Rubio's immigration history was matched to him by electronic fingerprint comparison.

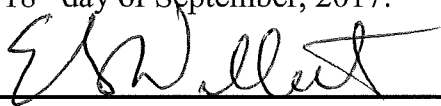
4. Criminal history checks revealed that Andres Medina-Rubio was convicted of Attempted Reentry of Removed Alien, a felony offense, on June 16, 2014, in the United States District Court, Southern District of California. Medina-Rubio was sentenced to twenty-four (24) months' imprisonment and three (3) years' supervised release. Medina-Rubio's criminal history was matched to him by electronic fingerprint comparison.
5. On September 15, 2017, Andres Medina-Rubio was advised of his constitutional rights. Medina-Rubio freely and willingly acknowledged his rights and declined to make any further statements.
6. For these reasons, this affiant submits that there is probable cause to believe that on or about June 6, 2016, Andres Medina-Rubio, an alien, was found in the United States of America, at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near El Paso, Texas, on or about October 27, 2015, and not having obtained the express

consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1).

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Gilbert V. Longoria,  
Deportation Officer,  
Immigration and Customs Enforcement

Sworn to and subscribed before me  
this 18<sup>th</sup> day of September, 2017.



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Eileen S. Willett,  
United States Magistrate Judge